

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.,*

Defendants.

CIVIL ACTION
NO. 1:17-CV-2989-AT

**DEFENDANTS' REPLY IN SUPPORT OF THEIR EMERGENCY
MOTION TO STAY ORDER AND SUBPOENA PENDING APPEAL**

In their response to Defendants' Emergency Motion to Stay, Plaintiffs now indicate that they do not oppose a stay of the Court's order (and their subpoena) compelling the Secretary to testify at trial pending the Eleventh Circuit's decision on the Secretary's Petition for a Writ of Mandamus. That is the only important thing to take away from Plaintiffs' response—Plaintiffs' other accusations are irrelevant, incorrect, and do not merit a response.

As the Court's order Defendants seek to stay is essentially an enforcement mechanism for *Plaintiffs'* desire to call the Secretary, and Plaintiffs have now indicated they do not oppose staying that order, Defendants respectfully request that the Court grant its motion and stay its December 20, 2023 order and Plaintiffs' trial subpoena compelling the

Secretary to testify personally pending the Eleventh Circuit's consideration of the Secretary's Petition for Writ of Mandamus.

Respectfully submitted, this 28th day of December, 2023.

/s/ Vincent R. Russo

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LOCAL RULE 7.1(D) CERTIFICATION

I certify that this Defendants' Reply in Support of Their Emergency Motion for Stay Pending Appeal has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1. Specifically, this document has been prepared using 13-pt Century Schoolbook font and type.

/s/ Vincent R. Russo
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